



# California Regional Water Quality Control Board

## Los Angeles Region



Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

Alan C. Lloyd, Ph.D.  
Agency Secretary

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Arnold Schwarzenegger  
Governor

August 5, 2005

Mr. Donald Wolfe, Director  
Department of Public Works  
County of Los Angeles  
P.O.Box 1460  
Los Angeles, California 91802

### **COMMENTS ON DRAFT MARINA DEL REY HARBOR MOTHERS' BEACH AND BACK BASINS BACTERIA TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION PLAN FOR THE MARINA DEL REY HARBOR JURISDICTIONAL GROUP SUBMITTED ON MARCH 30, 2005**

Dear Mr. Wolfe,

The Los Angeles Regional Water Quality Control Board (Regional Board) thanks the Departments of Public Works and Beaches and Harbors of the County of Los Angeles (County), along with the Cities of Los Angeles and Culver City, and the California Department of Transportation (Caltrans) ("agencies") for the draft Implementation Plan (draft I-Plan) submitted to the Regional Board on March 30, 2005. The draft I-Plan for the Marina del Rey Harbor Jurisdictional Group (MdRHJG) is a first step towards outlining a plan of action for improving water quality at the region's beaches. The Regional Board also appreciates the efforts of the agencies to solicit the input of stakeholders and the public throughout the development of the draft I-Plan. The Regional Board recognizes that the support of local residents and stakeholders is important to the successful implementation of the plan.

The following letter contains the comments of the Regional Board on the draft I-Plan. Many of these comments were previously conveyed to the agencies during the meeting held at the Regional Board on May 9, 2005.

## BACKGROUND

Submittal of implementation plans was a requirement of the Marina del Rey Bacteria TMDL. The final implementation schedules for this TMDL will be determined on the basis of the implementation plan. The Marina del Rey Bacteria TMDL allows for two broad approaches to implementation – an integrated water resources approach or a non-integrated approach. An integrated water resources approach (IWRA) is one that takes a holistic view of regional water resources management by integrating planning for future wastewater, storm water, recycled water, and potable water needs and systems; focuses on beneficial re-use of storm water, including groundwater infiltration, at multiple points throughout the watershed; addresses multiple pollutants; and may incorporate and enhance other public goals. A non-integrated approach, in contrast, is one in which the sole objective is to reduce or eliminate bacteria from storm water runoff before it reaches surface waters.

The Regional Board recognized the multiple environmental benefits of an integrated approach as well as the additional complexity of planning, designing and implementing such an approach. In light of this, the Regional Board provided *up to* 18 years to achieve compliance using an integrated approach in contrast to *up to* 10 years using a non-integrated approach. In either case, the Marina del Rey Bacteria TMDL emphasizes that the implementation schedules should be *as short as possible* and that the implementation plans must provide a *clear demonstration of the time needed* to achieve compliance with the TMDL.

## COMMENTS

The Regional Board staff reviewed the submittal and met with representatives of the Marina del Rey Jurisdictional unit. Based upon the review and discussion, we offer the following comments for your consideration. We encourage you to revise the plan in response to these comments before it is presented to the Regional Board, later this fall.

- 1. In light of the size of the watershed and scale of the proposed projects, discuss in more detail why the maximum timeframe of 18 years is necessary to achieve compliance.**

The TMDL implementation schedule should be as short as possible, with a clear demonstration of the time needed under the proposed approach. The draft Implementation Plan appears to use the maximum time period allowed by the TMDL (18 years) to achieve compliance with the Bacteria TMDL. The Marina del Rey Watershed is 2.9 square miles in area with surface water accounting for approximately 10.5% of the watershed. The proposed projects for the wet- and dry-weather Local Controls Programs are limited in scale and area of influence. Given the small size of the watershed area requiring planning and the scale of the proposed projects, it is unclear why the maximum timeframe is needed to achieve compliance. Please explain in greater detail why the longer time period is needed.

**2. Discuss in more detail how the draft I-Plan will achieve the TMDL compliance milestones (i.e. exceedance day reductions at the beach and in the harbor).**

The draft I-Plan does not directly link the proposed actions to specific percent reductions in exceedance days as required by the TMDL. The draft I-Plan should provide an estimate of the reductions that are expected to be achieved or a more clear description of why the actions proposed are likely to achieve the required reductions. This applies to the proposed institutional controls and structural BMPs. Details on the expected reductions in runoff volume and bacteria load should be provided for individual projects. The draft I-Plan should include a fact sheet for each of the local projects in Table 4.4, comprising:

- Brief project description
- Tentative start and end dates
- Map of project location
- Subwatershed location
- Approximate drainage area served
- Amount of runoff managed
- Land use(s) targeted
- Estimated reduction in bacteria
- Estimated project footprint
- IWRA criteria achieved by project

**3. The draft I-Plan should provide more tangible action items based on the institutional control options slated for consideration.**

The Institutional Controls Program presented in the draft I-Plan contains several options to be "considered," "evaluated," "investigated", and "assessed" with few action items provided as follow-up. The consideration of a potential action is not an action in itself and should be followed by specific action items based on the outcome of such assessments. In addition, the majority of proposed studies, evaluations, and assessments in the Institutional Controls Program of the draft I-Plan should be scheduled in Phase I to allow time to implement compliance measures identified by these efforts in Phases II and III.

**4. The draft I Plan should provide more alternatives to the proposed regional control strategy for wet-weather compliance.**

The draft I-plan presents a stormwater run-off treatment plant, in a tentative location, as a potential compliance strategy to address wet-weather compliance on a regional scale. This option is the only one provided to address the potential need for regional controls as an implementation

strategy. More alternative projects should be provided in the event that this option does not prove feasible.

**5. Include specific performance measures (i.e. implementation goals) as well as project-level schedules for institutional programs (Table 4.3) and local projects (Table 4.4).**

The specific projects summarized in Table 4.4 will ultimately be included into the Municipal Separate Storm Sewer System (MS4) NPDES Permit for Los Angeles County for these subwatersheds. These projects need to have specific performance measures and time schedules associated with them that if met will provide a reasonable expectation that the waste load allocations in the TMDL will be achieved.

The Regional Board understands the need for flexibility to allow for contingencies associated with project planning and implementation. Therefore, the individual local project schedules may be identified as tentative and need only include start and end dates, with the understanding that the schedules may be changed with good cause upon notification to the Regional Board. However, the agencies should be prepared to maintain the pace of implementation proposed in the I-Plan.

For institutional programs, the I-Plan should identify how the strategies have been optimized to achieve the maximum water quality benefits from these programs. Additionally, performance measures and more detailed timelines should be included for the proposed programs listed in Table 4.3.

**6. The draft I-Plan should replace the requests for additional re-openers with periodic reports to the Regional Board on implementation progress, monitoring results and updates to the I-Plan.**

Re-openers do not need to be specifically built into TMDLs in order to reconsider the TMDL, including its requirements and implementation schedule. Because the Regional Board adopts TMDLs as Basin Plan amendments, the Regional Board may at its discretion reconsider and amend a TMDL at any time. Instead of scheduled re-openers, the I-Plan should recommend periodic reports to the Regional Board on implementation progress, monitoring results, and updates to the I-Plan. During these periodic reports, agencies may request that the Regional Board reconsider the TMDL if appropriate in light of this new information.

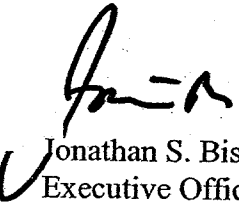
Mr. Donald Wolfe

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Again we acknowledge the agencies work to develop the draft Implementation Plan. We look forward to continuing to work with you to improve the quality of Marina del Rey Harbor and Mother's Beach. If you have any questions, please feel free to contact either Renee DeShazo at (213) 576-6783 or Xavier Swamikannu at (213) 620-2094.

Sincerely,



Jonathan S. Bishop  
Executive Officer